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CHAPTER 6612. CAMERON COUNTY DRAINAGE DISTRICT NO. 1

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CHAPTER 6612. CAMERON COUNTY DRAINAGE DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 6612.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Commissioners court" means the Cameron County Commissioners Court.

(3) "Director" means a member of the board.

(4) "District" means the Cameron County Drainage District No. 1. (Acts 41st Leg., R.S., Ch. 145, Sec. 5 (part); New.)

Source Law

Sec. 5. . . . the said district shall be hereafter known as Cameron County Drainage District One, and

1 Revisor's Note

2 (1) The definitions of "board," "commissioners
3 court," "director," and "district" are added to the
4 revised law for drafting convenience and to eliminate
5 frequent, unnecessary repetition of the substance of
6 the definitions.

7 (2) Section 5, Chapter 145, Acts of the 41st
8 Legislature, Regular Session, 1929, provides that the
9 district shall be known as "Cameron County Drainage
10 District One." The omission of "Number" from the
11 district's name is a typographical error since it is
12 clear from a reading of the act that the legislature
13 intended for the district to be known as "Cameron
14 County Drainage District Number One." The revised law
15 is drafted accordingly.

16 Revised Law

17 Sec. 6612.002. NATURE OF DISTRICT. The district is a
18 conservation and reclamation district in Cameron County created
19 under Section 59, Article XVI, Texas Constitution, for all purposes
20 of that section, including the reclamation and drainage of its
21 seeped, salty, waterlogged, and overflowed land and other land
22 needing drainage. (Acts 41st Leg., R.S., Ch. 145, Secs. 1 (part), 2
23 (part), 5 (part).)

24 Source Law

25 Sec. 1. Cameron County Drainage District Number
26 One of Cameron County, Texas, . . . is hereby created
27 and established as a Conservation District in said
28 county under authority of Section 59 of Article 16 of
29 the Constitution of the State of Texas, for the purpose
30 of the reclamation and drainage of its seeped, salty,
31 waterlogged and over flowed lands, and other lands
32 needing drainage, and all other purposes as
33 contemplated by section 59 of Article 16 of the
34 Constitution of this State, and said district shall be
35 a governmental agency and body politic

36 Sec. 2. . . . said District is hereby
37 converted, without change of name, to a Conservation
38 and Reclamation District, under Article 16, Section 59
39 of the Constitution;

40 Sec. 5. . . . it being the intent hereof to
41 convert said Cameron County Drainage District Number
42 One into a Conservation and Reclamation District,

1 without change of name, or impairment to any of its
2 obligations, and the same shall be a Conservation and
3 Reclamation District under the provisions of Section
4 59 of Article 16 of the State Constitution and

5 Revisor's Note

6 (1) Section 1, Chapter 145, Acts of the 41st
7 Legislature, Regular Session, 1929, provides that the
8 district "is hereby . . . established as a
9 Conservation District" under Section 59, Article XVI,
10 Texas Constitution. Section 2, Chapter 145, Acts of
11 the 41st Legislature, Regular Session, 1929, provides
12 that the district is "hereby converted, without change
13 of name," to a conservation and reclamation district
14 under Section 59, Article XVI, Texas Constitution.
15 Section 5, Chapter 145, Acts of the 41st Legislature,
16 Regular Session, 1929, provides that it is the intent
17 of that act "to convert" the district into a
18 conservation and reclamation district "without change
19 of name, or impairment to any of its obligations." The
20 revised law omits the quoted language as executed.

21 (2) Section 1, Chapter 145, Acts of the 41st
22 Legislature, Regular Session, 1929, refers to the
23 district as "a governmental agency and body politic."
24 The revised law omits the quoted language because it
25 duplicates a portion of Section 59(b), Article XVI,
26 Texas Constitution, which provides that a conservation
27 and reclamation district is a governmental agency and
28 a body politic and corporate.

29 Revised Law

30 Sec. 6612.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
31 The conversion of the district into a conservation and reclamation
32 district under Section 59, Article XVI, Texas Constitution, and the
33 provision to the district of the powers conferred by that section:

34 (1) will benefit the residents and property in the
35 district; and

36 (2) benefit all property included in the district.

1 (b) No property which is benefited is not included in the
2 district.

3 (c) The district is essential to accomplish the purposes of
4 Section 59, Article XVI, Texas Constitution. (Acts 41st Leg.,
5 R.S., Ch. 145, Secs. 2 (part), 11 (part).)

6 Source Law

7 Sec. 2. . . . [said District is . . . converted
8 . . . to a Conservation and Reclamation District,
9 under Article 16, Section 59 of the Constitution;] it
10 being determined by the Legislature that the
11 conversion of said district so as to vest it with the
12 enlarged powers as conferred by Article 16, Section
13 59, will benefit the citizens and property within said
14 district, and that all property included within the
15 boundaries of said District is benefitted, and that no
16 property which is benefitted is not included within
17 the boundaries of said District as hereinabove set
18 forth.

19 Sec. 11. The Legislature hereby exercises the
20 authority upon it conferred by Section 59 of Article 16
21 of the constitution of Texas and declares that said
22 conservation district as above described to be
23 essential to the accomplishment of the purposes of
24 said constitutional provision, to be a governmental
25 agency and body politic and corporate

26 Revisor's Note

27 (1) Section 2, Chapter 145, Acts of the 41st
28 Legislature, Regular Session, 1929, refers to
29 "citizens" within the district. The revised law
30 substitutes "residents" for "citizens" because, in the
31 context of this section, the terms are synonymous and
32 "residents" is more commonly used.

33 (2) Section 11, Chapter 145, Acts of the 41st
34 Legislature, Regular Session, 1929, provides that the
35 legislature "hereby exercises the authority upon it
36 conferred by" Section 59, Article XVI, Texas
37 Constitution. The revised law omits the quoted
38 language as executed.

39 (3) Section 11, Chapter 145, Acts of the 41st
40 Legislature, Regular Session, 1929, provides that the
41 legislature declares the district "to be a
42 governmental agency and body politic and corporate."

1 The revised law omits the quoted language for the
2 reason stated in Revisor's Note (2) to Section
3 6612.002.

4 Revised Law

5 Sec. 6612.004. DISTRICT TERRITORY. The district is
6 composed of the territory described by Section 1, Chapter 145, Acts
7 of the 41st Legislature, Regular Session, 1929, as that territory
8 may have been modified under:

9 (1) Subchapter I, Chapter 56, Water Code, before
10 September 1, 1995;

11 (2) Subchapter J, Chapter 56, Water Code;

12 (3) Subchapter J, Chapter 49, Water Code; or

13 (4) other law. (New.)

14 Revisor's Note

15 The revised law does not revise the statutory
16 language describing the territory of the district to
17 avoid the lengthy recitation of the description and
18 because that description may not be accurate on the
19 effective date of the revision or at the time of a
20 later reading. For the reader's convenience, the
21 revised law includes references to the statutory
22 description of the district's territory and to the
23 statutory authority to change the district's
24 territory. Subchapter I, Chapter 56, Water Code,
25 which was enacted in 1981 and repealed in 1995,
26 provided for addition or annexation of territory by a
27 drainage district. Subchapter J, Chapter 56, Water
28 Code, enacted in 1995, provides procedures for
29 annexation of territory by an existing district.
30 Subchapters I and J, Chapter 56, apply to the district
31 under Section 7, Chapter 145, Acts of the 41st
32 Legislature, Regular Session, 1929 (revised as part of
33 Section 6612.101 of this chapter). Subchapter J,
34 Chapter 49, Water Code, relates to the addition or

1 removal of territory. Chapter 49, Water Code, applies
2 to the district under Sections 49.001 and 49.002 of
3 that chapter. The revised law also includes a
4 reference to the general authority of the legislature
5 to enact other laws to change the district's territory.

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Revised Law

8 Sec. 6612.051. COMPOSITION OF BOARD. The board consists of
9 three directors appointed by the commissioners court. (Acts 41st
10 Leg., R.S., Ch. 145, Sec. 4 (part).)

11 Source Law

12 Sec. 4. The management and control of the said
13 Drainage District Number One is hereby vested in a
14 Board of Commissioners, which board shall be composed
15 of three persons and . . . successors are appointed by
16 the Commissioners' Court of Cameron County, Texas, and
17

18 Revisor's Note

19 (1) Section 4, Chapter 145, Acts of the 41st
20 Legislature, Regular Session, 1929, refers to a board
21 of "Commissioners." Throughout this chapter, the
22 revised law substitutes "director" for "commissioner"
23 to conform to the terminology of the Water Code.

24 (2) Section 4, Chapter 145, Acts of the 41st
25 Legislature, Regular Session, 1929, provides that
26 "[t]he management and control of the said Drainage
27 District Number One is hereby vested" in a board of
28 commissioners. The revised law omits the quoted
29 language because it duplicates, in substance, parts of
30 Sections 49.051 and 49.057, Water Code. Throughout
31 this chapter, the revised law omits law that is
32 superseded by Chapter 49, Water Code, or that
33 duplicates law contained in that chapter. Chapter 49
34 (enacted in 1995) applies to the district under
35 Sections 49.001 and 49.002, Water Code.

1 Sec. 4. . . . The three
2 Commissioners of said district, now in
3 office, to-wit: J. C. Bennett, M. C. Myrtle
4 and J. H. Downs, shall discharge the duties
5 of Commissioners of said Cameron County
6 Drainage District Number One during the
7 year 1929 and until their [successors are
8 appointed by the Commissioners' Court of
9 Cameron County, Texas, and] have qualified
10 in the time and manner provided by said
11 Chapter.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Revised Law

14 Sec. 6612.101. GENERAL POWERS AND DUTIES. (a) The district
15 has the:

16 (1) rights, powers, functions, and privileges
17 provided to a conservation and reclamation district by the Texas
18 Constitution and general law;

19 (2) rights, powers, privileges, and duties provided to
20 a drainage district created under Section 59, Article XVI, Texas
21 Constitution, and organized under general law, including Chapters
22 49 and 56, Water Code; and

23 (3) powers of government and the authority to exercise
24 the rights, privileges, and functions conferred by this chapter.

25 (b) The district has the right and power of a drainage
26 district organized under Chapter 56, Water Code, to impose taxes
27 and issue bonds. (Acts 41st Leg., R.S., Ch. 145, Secs. 1 (part), 5
28 (part), 7 (part), 11 (part); New.)

29 Source Law

30 Sec. 1. . . . [a . . . district] . . . with all
31 powers as are granted to such conservation districts
32 in the Constitution and in the General Laws of the
33 State of Texas.

34 Sec. 5. . . . [said district] . . . shall have
35 and may exercise all the powers, authority, functions
36 and privileges provided in constitutional and
37 statutory provisions herinabove mentioned.

38 Sec. 7. The said Cameron County Drainage
39 District Number One shall have and exercise and is
40 hereby vested with all the rights, powers and
41 privileges and duties of a Drainage District,
42 organized under the provisions of and conferred by the
43 General Laws of this State, now in force or to be
44 hereafter enacted, upon drainage districts created
45 under authority of Section 59 of Article 16 of the
46 Constitution, and known as conservation and
47 reclamation districts, including the right and power

1 to levy taxes and issue bonds of said Districts,
2

3 Sec. 11. [The Legislature hereby . . . declares
4 . . . said conservation district . . . to be a
5 governmental agency] . . . with such powers of
6 Government and with the authority to exercise such
7 rights, privileges and functions as are conferred in
8 this Act, the General Laws referred to above and all
9 amendments thereto, and

10 Revisor's Note

11 (1) Section 5, Chapter 145, Acts of the 41st
12 Legislature, Regular Session, 1929, provides that the
13 district "shall have and may exercise" certain powers,
14 authority, functions, and privileges. Similarly,
15 Section 7, Chapter 145, Acts of the 41st Legislature,
16 Regular Session, 1929, provides that the district
17 "shall have and exercise and is hereby vested with"
18 certain rights, powers, privileges, and duties. The
19 revised law substitutes "has" for the quoted language
20 because, in context, the terms are synonymous and
21 "has" is more commonly used. The revised law also
22 omits the reference to "authority" in Section 5 as
23 included in the meaning of "powers."

24 (2) Section 7, Chapter 145, Acts of the 41st
25 Legislature, Regular Session, 1929, refers to the
26 rights, powers, privileges, and duties of a drainage
27 district "organized under the provisions of and
28 conferred by the General Laws of this State." For the
29 reader's convenience, the revised law includes a
30 reference to Chapters 49 and 56, Water Code, because
31 those are the principal chapters applicable to a
32 drainage district organized under general law.

33 (3) Section 7, Chapter 145, Acts of the 41st
34 Legislature, Regular Session, 1929, refers to certain
35 general laws of this state "now in force or to be
36 hereafter enacted." The revised law omits the quoted
37 language as unnecessary under accepted general
38 principles of statutory construction. The "General

1 Laws of this State" means those laws "in force" at the
2 time the provision was adopted. It is unnecessary to
3 state that the district may be granted additional
4 powers by later enacted laws because those laws apply
5 on their own terms.

6 (4) Section 7, Chapter 145, Acts of the 41st
7 Legislature, Regular Session, 1929, refers to the
8 district's power to "levy" taxes. The revised law
9 substitutes "impose" for "levy" because "impose" is
10 the term generally used in Title 1, Tax Code, and
11 includes the levy of a tax.

12 (5) Section 7, Chapter 145, Acts of the 41st
13 Legislature, Regular Session, 1929, provides that the
14 powers granted to the district may be limited by other
15 general laws of the state. The revised law omits that
16 provision because the grant of powers to the district
17 is always subject to the limitations imposed in the
18 laws granting those powers or other general laws
19 applicable to the district. The omitted law reads:

20 Sec. 7. . . . to the extent, for the
21 purposes, and subject to the provisions,
22 limitations, and conditions under which
23 said powers may be exercised, or may
24 hereafter be exercised under the General
25 Laws of this State, by the Commissioners'
26 Court or Drainage Commissioners.

27 (6) Section 11, Chapter 145, Acts of the 41st
28 Legislature, Regular Session, 1929, refers to certain
29 general laws "and all amendments thereto." The
30 revised law omits the quoted language because under
31 Section 311.027, Government Code (Code Construction
32 Act), a reference to a statute applies to all
33 reenactments, revisions, or amendments of that statute
34 unless expressly provided otherwise.

35 Revisor's Note
36 (End of Chapter)

37 (1) Sections 2, 3, 9, 10, and 11, Chapter 145,

1 Acts of the 41st Legislature, Regular Session, 1929,
2 contain provisions that approve, ratify, confirm,
3 legalize, or validate the establishment, the purpose,
4 or certain acts of the district. Those provisions are
5 omitted from the revised law because they served their
6 purpose on the day they took effect and are executed
7 law. Section 311.031(a)(2), Government Code (Code
8 Construction Act), provides that the repeal of a
9 statute does not affect any validation previously made
10 under the statute. Therefore, the omission of the
11 executed validation provisions does not affect those
12 validations. The omitted law reads:

13 Sec. 2. That the original
14 organization and establishment of Cameron
15 County Drainage District Number One of
16 Cameron County, Texas, by the
17 Commissioners, Court of said county is
18 hereby approved, ratified and confirmed,
19 and the power and authority of said
20 Commissioners' Court to create said
21 territory into a Drainage District for the
22 purpose of the reclamation and drainage of
23 its seeped, salty, waterlogged and
24 overflowed lands and other lands needing
25 drainage, under the provisions of Article
26 5, Section 52, is hereby expressly
27 approved, ratified and confirmed, and
28

29 Sec. 3. The order of the Board of
30 County Commissioners of Cameron County,
31 made on the 22nd day of January, A. D. 1910,
32 wherein a resolution was passed canvassing
33 the returns of an election, and
34 establishing said district, as recorded in
35 Vol. "J," pages 538 to 540 of the Minutes of
36 the Commissioners' Court is hereby
37 expressly ratified, approved and confirmed;
38 that the recording of the minutes of said
39 proceedings in the Records of the
40 Commissioners' Court in the office of the
41 County Clerk and Ex-Officio Clerk of the
42 Commissioners' Court of Cameron County,
43 Texas, in said Vol. "J," on pages 538 to 540
44 aforesaid, is expressly legalized,
45 ratified, approved, confirmed and
46 validated; and certified copies of all said
47 proceedings where taken from the original
48 minutes of said Commissioners Court, are
49 hereby declared to be legal evidence in any
50 court of this State or of the United States.

51 Sec. 9. That the action of the
52 Commissioners' Court in originally creating
53 and establishing said District as
54 aforesaid, the action of the Boards of

1 Equalization in examining and correcting,
2 equalizing and approving the assessment
3 rolls, the action of the Board of County
4 Commissioners and Drainage Commissioners in
5 levying and providing for the collection of
6 taxes, all have constituted an equitable
7 imposition of taxes against the property in
8 said district, and each and every of said
9 respective actions is hereby validated,
10 confirmed and legalized.

11 Sec. 10. That the orders of the
12 Commissioners' Court of Cameron County
13 above cited, the orders of the Board of
14 Drainage Commissioners of said District
15 above cited, and all other orders adopted by
16 the Commissioners' Court and by the Board of
17 Drainage Commissioners in respect to the
18 creation and organization of said district
19 and the authorization, issuance and sale of
20 said bonds and the levying and assessing of
21 taxes as the same appear upon the records of
22 said board, or copies thereof duly
23 certified, are hereby constituted legal
24 evidence of such orders and shall be
25 authority for said board of Drainage
26 Commissioners or County Commissioners to
27 annually levy, assess and collect taxes in
28 an amount sufficient to pay the principal
29 and interest upon said bonds as the same
30 matures and becomes due, as well as taxes
31 for the maintenance of the District, taxes
32 to be levied and assessed based upon the
33 assessed value of taxable property in said
34 district as fixed by the Board of
35 Equalization thereof in accordance with
36 existing laws; that any and all acts and
37 proceedings had and taken by said board in
38 the construction and purchase of
39 improvements with the proceeds of said
40 bonds are hereby validated, approved and
41 legalized.

42 Sec. 11. . . . it is and has been
43 legal and valid from the date it was created
44 by the Commissioners' Court; that it is now
45 created as a legal and valid Conservation
46 and Reclamation District, and the sale of
47 said bonds, the levy of taxes to pay the
48 principal thereof and interest thereon, the
49 actual purchase and construction of said
50 improvements with the proceeds thereof,
51 with like effect as though at the time or
52 times said acts and proceedings were done or
53 had, there existed statutory authority for
54 the doing thereof.

55 (2) Section 5, Chapter 145, Acts of the 41st
56 Legislature, Regular Session, 1929, requires the
57 converted district to assume all obligations,
58 contracts, and indebtedness of the initial district
59 and to pay off and discharge all outstanding bonds.
60 The revised law omits that provision as executed. The
61 omitted law reads:

1 Sec. 5. All obligations, contracts
2 and indebtedness heretofore legally created
3 by and on behalf of Cameron County Drainage
4 District Number One prior to its conversion
5 by this Act, and all obligations, contracts
6 and indebtedness heretofore legally created
7 by and on behalf of said Cameron County
8 Drainage District Number One, embracing the
9 territory hereinabove described in Section
10 1, are hereby expressly imposed upon said
11 Cameron County Drainage District Number One
12 hereby created, and shall be executed and
13 discharged by the said Cameron County
14 Drainage District Number One, and the said
15 Drainage District hereby created as a
16 Conservation and Reclamation District shall
17 be held to have assumed the discharge of all
18 such obligations, contracts and
19 indebtedness, and the same shall be
20 enforceable, collectable from, paid and
21 discharged, by said Cameron County Drainage
22 District Number One, as here now created as
23 a Conservation and Reclamation District,
24 particularly \$204,500.00 of bonds issued by
25 order of the Commissioners' Court of Cameron
26 County, November 18, 1911, recorded in
27 Volume "K," pages 371 et seq. of the Minutes
28 thereof, said bonds dated December 1, 1911,
29 maturing serially from December 1, 1916, to
30 December 1, 1936, both inclusive, said
31 bonds numbered from 1 to 205, both
32 inclusive; said \$204,500.00 bonds or such
33 part thereof as are now outstanding are
34 hereby ratified, validated, approved,
35 confirmed and assumed by the said Cameron
36 County Drainage District Number One, as
37 herein converted as a Conservation and
38 Reclamation District, and the said bonds,
39 both principal and interest, now remaining
40 unpaid shall be paid off and discharged by
41 the said Cameron County Drainage District
42 Number One, as here created,

43 (3) Section 6, Chapter 145, Acts of the 41st
44 Legislature, Regular Session, 1929, requires the
45 converted district to take over all property and
46 rights in property, including current and delinquent
47 taxes, owned by the initial district. The revised law
48 omits that provision as executed. The omitted law
49 reads:

50 Sec. 6. The said Cameron County
51 Drainage District Number One shall own all
52 property and rights in property, especially
53 including current and delinquent taxes,
54 heretofore owned and used under the
55 provisions of Section 59 of Article 16 of
56 the State Constitution and the provisions
57 of the general laws enacted in pursuance
58 thereof.

1 (4) Section 8, Chapter 145, Acts of the 41st
2 Legislature, Regular Session, 1929, contains various
3 provisions relating to taxes. The revised law omits
4 the provisions ratifying, legalizing, and validating
5 the taxes imposed for 1928 and prior years and the
6 assessed value of property for those years as executed
7 law for the reason stated in Revisor's Note (1) at the
8 end of this chapter. Section 8 also requires the
9 district's board of equalization or the commissioners
10 court to levy and assess a property tax on the value of
11 taxable property in the district as determined by the
12 board of equalization, and delegates the power to levy
13 taxes to the district's board or the commissioners
14 court. The revised law omits those provisions as
15 repealed by Title 1, Tax Code, enacted by Chapter 841,
16 Acts of the 66th Legislature, Regular Session, 1979,
17 which was intended as a comprehensive, substantive
18 codification of all property tax law and its
19 administration. Section 1 of that act repealed the
20 functions and duties of boards of equalization, and
21 Section 6(b) of that act repealed all "general, local,
22 and special laws" that conflicted with that act. Title
23 1, Tax Code, provides the exclusive procedures for the
24 assessment and collection of ad valorem taxes by a
25 taxing unit, including the district. To the extent
26 that Chapters 49 and 56, Water Code, establish
27 procedures for the imposition of taxes by a drainage
28 district, the district is bound by those procedures.
29 The omitted law reads:

30 Sec. 8. That taxes sufficient to pay
31 the principal of and interest upon said
32 bonds, as well as for the maintenance and
33 operation, and other taxes and charges
34 heretofore levied upon the taxable property
35 in said district, both before and after its
36 conversion as aforesaid, on the assessed
37 value of said taxable property determined
38 by the Board of Equalization of said

District, are hereby in all respects legalized and validated; that the action of the Boards of Equalization of the District and the action of the Board of Commissioners of Cameron County, in preparing the tax rolls of the District are hereby ratified, legalized and validated; that the values placed upon said property for the purposes of taxation by said District, and the taxes collected thereon and levied against the property within said District are hereby found and fixed as proper amounts and are constituted the basis for such taxation, and the assessment and levy of such taxes for the year 1928 and all previous years, is hereby legalized, and said taxes in an amount sufficient to pay the principal and the interest of the said bonds outstanding, as well as for the maintenance and operation of said District, shall, beginning with the Calendar year 1929, be annually levied and assessed by the Board of Equalization of said District, or the Commissioners' Court of Cameron County, calculated upon the value of taxable property in said district as fixed by the Board of Equalization, and the power to levy such annual, general advalorem taxes is hereby expressly delegated to the Commissioners of said District or the Commissioners' Court of Cameron County, and the Commissioners of said District or the Commissioners' Court of Cameron County are expressly authorized to take all proper steps necessary to collect any delinquent taxes heretofore accruing before the conversion of said district, the same as if said district had been originally created as a Drainage District under Article 16, Section 59 of the Constitution.

(5) Section 12, Chapter 145, Acts of the 41st Legislature, Regular Session, 1929, provides that public notice of enactment of the statute was provided in a manner that satisfies the requirements of the Texas Constitution. The revised law omits that provision as executed. The omitted law reads:

Sec. 12. Proof of publication of the constitutional notice required in the enactment of Local or Special laws has been made in the manner and form provided by law.